

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
South Valley Academy	)	File No. SLD-331627
Albuquerque, New Mexico	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.	)	

**ORDER**

**Adopted: March 12, 2003**

**Released: March 13, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by South Valley Academy (South Valley), Albuquerque, New Mexico.<sup>1</sup> South Valley requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).<sup>2</sup> For the reasons set forth below, we deny the Request for Review.

2. In its decision, SLD rejected South Valley's FCC Form 471 application for failing to meet minimum processing standards, because the application did not include at least one complete Block 4 Worksheet.<sup>3</sup> Specifically, South Valley failed to indicate whether the school for which discounts were sought was "urban or rural" in item Block 4 Item 10b.<sup>4</sup> South Valley argues that although it erred in failing to complete one item in Block 4, SLD should be reversed

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<sup>1</sup> Letter from Alan Marks, South Valley Academy, to Federal Communications Commission, filed August 12, 2002 (Request for Review).

<sup>2</sup> *Id.* See also Letter from Schools and Libraries Division, Universal Service Administrative Company, to Alan Marks, South Valley Academy, dated March 14, 2002 (Rejection Letter); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Alan Marks, South Valley Academy, dated June 24, 2002 (Administrator's Decision on Appeal).

<sup>3</sup> *Id.*

<sup>4</sup> See FCC Form 471, South Valley Academy, filed January 22, 2002, at Block 4, Item 10b.

because the missing information was not critical to USAC's decision-making.<sup>5</sup> South Valley also stated that in the past, "USAC has tried to help new schools and libraries by calling to their attention small mistakes in their applications."<sup>6</sup>

3. We find that SLD's decision is consistent with program procedures and Commission precedent, and we affirm substantially for the reasons stated by SLD.<sup>7</sup> Contrary to South Valley's assertion, the "urban or rural" classification is critical part of the funding commitment process. A school's high cost status is derived from rules that classify it as urban or rural.<sup>8</sup> The rules provide a matrix reflecting both a school's rural or urban status and the percentage of its students eligible for the school lunch program to establish a school's discount rate to be applied to eligible services.<sup>9</sup> With respect to SLD contacting applicants concerning errors in the applications, the Wireline Competition Bureau has previously held that the burden of ensuring that complete and accurate information is provided rests with applicants, not with SLD.<sup>10</sup> Therefore, we deny South Valley's Request for Review.

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<sup>5</sup> Request for Review.

<sup>6</sup> *Id.*

<sup>7</sup> See Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (November 2001) (Funding Year 2002 FCC Form 471 Instructions), at 6-7 ("At least one completed Block 4 Worksheet relevant to your application type (see Block 1, Item 5) must be submitted. If a relevant Block 4 Worksheet is ... missing information, the form will be rejected"); *Request for Review by Wm. H. & Lucy F. Rand Memorial Library, Federal State-Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-267302, CC Dockets No. 96-45 and 97-21, Order, 17 FCC Rcd 23540 (Wireline Comp. Bur. 2002); *Request for Review by Charles Gibson, Federal State-Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-267921, CC Dockets No. 96-45 and 97-21, Order, 17 FCC Rcd 8611 (Wireline Comp. Bur. 2002). We also note that the information requested in Block 4, Item 10 was required in previous funding years. See Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (October 2000) (Funding Year 2001 FCC Form 471 Instructions), at Block 4, Item 10; *Request for Review by Naperville Community Unit School District 203, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-203343, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 5032 (2001).

<sup>8</sup> 47 C.F.R. § 54.505(b)(3)(i), (ii).

<sup>9</sup> 47 C.F.R. § 54.505(c).

<sup>10</sup> *Request for Review of the Decision of the Universal Service Administrator by Fair Lawn Board of Education, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket No. 96-45 and 97-21, Order, 16 FCC Rcd 12901, 12904 (Com. Car. Bur. 2001). The Wireline Competition Bureau was previously known as the Common Carrier Bureau.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by South Valley Academy, Albuquerque, New Mexico, on August 12, 2002 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau